

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

NADEZDA STEELE-WARRICK,
individually and on behalf of all others
similarly situated,

Plaintiff

vs.

MICROGENICS CORPORATION AND
THERMO FISHER SCIENTIFIC INC.,

Defendants

Hon. Vera M. Scanlon

CASE 1:19-cv-06558-VMS

**DEFENDANT THERMO FISHER
SCIENTIFIC INC.'S NOTICE OF
MOTION TO DISMISS PLAINTIFF'S
FIRST AMENDED CLASS ACTION
COMPLAINT AND TO STRIKE CLASS
ALLEGATIONS**

PLEASE TAKE NOTICE that Defendant Thermo Fisher Scientific Inc. shall move before the Honorable Vera M. Scanlon, United States Magistrate Judge, on a date and at a time to be set by the Court, for an Order pursuant to Rules 12(b)(6) and 12(f) of the Federal Rules of Civil Procedure dismissing Plaintiff's First Amended Class Action Complaint for failure to state a claim upon which relief can be granted and striking the class allegation. Thermo Fisher shall also on said date join in Defendant Microgenics Corporation's Motion to Dismiss Plaintiff's First Amended Class Action Complaint and to Strike Class Allegations.

PLEASE TAKE FURTHER NOTICE that Thermo Fisher Scientific Inc. shall rely upon the accompanying Memorandum of Law in support of its Motion, and upon the record and pleadings filed herein.

Respectfully submitted,

Dated: April 24, 2020.

s/Christopher R. Carton
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